

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA**

AKARI JOHNSON and  
HAZEL THOMPSON,

Plaintiffs,

CASE NO.: 4:24-CV-10017-JEM

v.

MMI 82, LLC, and  
THE ENTHUSIAST LLC,

Defendants.

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**PLAINTIFFS' RESPONSE IN OPPOSITION TO DEFENDANTS'  
MOTION TO EXTEND THE DISCOVERY DEADLINE**

Plaintiffs, AKARI JOHNSON (“Mr. Johnson”) and HAZEL THOMPSON (“Ms. Thompson”), by and through their undersigned counsel, hereby file their Response in Opposition to Defendants’ Motion to Extend the Discovery Deadline (“Motion”) [D.E. 33], and in support state as follows:

1. On February 22, 2024, Plaintiffs filed their Complaint. [D.E. 1].
2. On May 31, 2024, this Court entered an order setting civil trial date establishing the discovery deadline for March 20, 2025.
3. On September 3, 2024, Defendants served their initial disclosures, identifying Ms. Aileen Gonzales (“Ms. Gonzalez”) as a witness who “may hold information related to the subject matter of the claims alleged by the Defendants.” (*See* Exhibit A).
4. On October 4, 2024, Defendant MMI 82, LLC served its verified interrogatory responses to Plaintiffs, listing both Ms. Gonzalez and Daniella Rodriguez (“Ms. Rodriguez”) as individuals who “may have knowledge” regarding the Plaintiffs’ claims. (*See* Exhibit B at p. 3).

5. As early as October 4, 2024, Defendants understood that both Ms. Gonzalez and Ms. Rodriguez may have discoverable information and had more than five (5) months to schedule and conduct each of their depositions without issue. *Id.*

6. To date, neither Defendant has taken a single deposition since the entry of this Court's scheduling order more than nine (9) months ago.

7. Further, Defendants' Motion states that "[o]n March 3, 2025... [i]n connection with the document production, Plaintiffs produced signed declarations of Aileen Gonzalez and Daniella Rodriguez. [D.E. 33 at p.1]. Plaintiffs would like to supplement this statement by noting they originally produced Ms. Gonzalez's sworn declaration on January 8, 2025 (marked as Plaintiff Bates Nos. AJ000001—AJ000005), and Ms. Rodriguez's sworn declaration (marked as Plaintiff Bates Nos. AJ000006—AJ000009) on January 21, 2025. (*See* Exhibits C and D).

8. Defendants had two (2) months from the production of the declarations to schedule each individual's deposition prior to the close of discovery and without issue, but failed to do so.

9. Defendants now ask this Court to reward their inaction by vacating the established deadline, ignoring Local Rule 26.1(d), and providing additional time for discovery.

10. Local Rule 26.1(d) explicitly states that, "[p]arty and non-party depositions must be scheduled to occur, and written discovery requests and subpoenas seeking the production of documents must be served in sufficient time that the response is due on or before the discovery cutoff date. Failure by the party seeking discovery to comply with this paragraph obviates the need to respond or object to the discovery, appear at the deposition, or move for a protective order." S.D. Fl. L.R. 26.1(d).

11. Further, in the event Defendants are granted the opportunity to depose Ms. Gonzalez and Ms. Rodriguez outside of the discovery period, Plaintiffs would suffer undue

prejudice. Plaintiffs' counsel has already deposed numerous witnesses who have given testimony in connection to the statements made in the declarations. Inevitably, the supplemental deposition testimony of Ms. Gonzalez and Ms. Rodriguez would result in the need to further question each previously-deposed witness, generating a significant inconvenience, additional costs, and delay to the proceedings.

12. Thus, the Court should deny Defendants' motion.

**CONCLUSION**

**WHEREFORE**, Plaintiffs respectfully request this Court deny Defendants' Motion and uphold the current discovery deadline.

Dated: Miami, Florida  
March 18, 2025,

**DEREK SMITH LAW GROUP, PLLC**  
*Counsel for Plaintiffs*

/s/ Daniel J. Barroukh  
Daniel J. Barroukh, Esq.  
Florida Bar No.: 1049271  
Derek Smith Law Group, PLLC  
520 Brickell Key Drive, Suite O-301  
Miami, FL 33131  
Tel: (305) 946-1884  
Fax: (305) 503-6741  
Danielb@dereksmithlaw.com

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing document is being served on March 18, 2025, on all counsel of record on the service list below via transmission of Notices of Electronic Filing generated by CM/ECF.

/s/ Daniel J. Barroukh  
Daniel J. Barroukh, Esq.

**SERVICE LIST**

**ALMAZAN LAW**  
*Counsel for Defendants*  
7901 Ludlam Road, Suite 100  
Miami, Florida 33143  
Tel: (305) 665-6681  
Fax: (305) 665-6684  
Email: [service@almazanlaw.com](mailto:service@almazanlaw.com)

ALEXANDER P. ALMAZON, ESQ.  
Florida Bar No.: 159166  
[aalmazan@almazanlaw.com](mailto:aalmazan@almazanlaw.com)

JOHANNA CASTELLON-VEGA, ESQ.  
Florida Bar No.: 58345  
[jvega@almazanlaw.com](mailto:jvega@almazanlaw.com)

CAMERON L. PERKINS, ESQ.  
Florida Bar No.: 1039668  
[cperkins@almazanlaw.com](mailto:cperkins@almazanlaw.com)